

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERONICA VALENTINE,)
)
Plaintiff,) **8:16CV131**
v.)
)
8 UNKNOWN JANE - JOHN DOE)
OMAHA POLICE OFFICERS,)
LISA VILLWOK, #1764, and)
JENNIFER HANSEN, #1585,)
Defendants.)
)

ORDER

VERONICA VALENTINE,)
)
Plaintiff,)
v.)
)
CITY OF OMAHA, CHIEF OF)
OMAHA POLICE SCHMADER,)
UNKNOWN JOHN JANE DOE)
POLICE, LISA VILLWOK, #1764,)
and JENNIFER HANSEN, #1585,)
Defendants.)
)

8:16CV174

ORDER

This matter is before the court on Plaintiff's Motion to Compel Discovery (Filing No. 48 in Case No. 8:16CV131; Filing No. 50 in Case No. 8:16CV174) and Motion requesting appointment of counsel and to certify class (Filing No. 50 in Case No. 8:16CV131; Filing No. 51 in Case No. 8:16CV174).

Plaintiff moves the court to "compel defendants to provide us with [a] copy of any OPD policy on strip searches[.]". Plaintiff does not identify when or how she requested

this document from counsel for defendants, nor does she identify the date, time, or place of the personal consultation with counsel for the defendants in a sincere attempt to resolve this issue. See Fed. R. Civ. P. 34 and NECivR 7.1(i). Moreover, the parties' Rule 26 Report is due on January 30, 2017, and no progression order has been entered, nor has discovery commenced. "Although pro se pleadings are to be construed liberally, pro se litigants are not excused from failing to comply with substantive and procedural law." *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984) (citing *Faretta v. California*, 422 U.S. 806, 834-35 n. 46 (1975)). Therefore, the court will deny Plaintiff's motion to compel, without prejudice to refiling in the event that the defendants fail to cooperate with future proper discovery requests.

Plaintiff again moves for appointment of counsel and purports to include a motion for class certification. Plaintiff has made no further showing that the circumstances have changed since the court denied Plaintiff's requests on December 8 and 23, 2016, respectively. The court therefore finds that appointment of counsel and certification of this matter as a class is not warranted. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Compel Discovery (Filing No. 48 in Case No. 8:16CV131; Filing No. 50 in Case No. 8:16CV174) is denied, without prejudice; and
2. Plaintiff's miscellaneous Motion (Filing No. 50 in Case No. 8:16CV131; Filing No. 51 in Case No. 8:16CV174) is denied, without prejudice.

DATED: January 9, 2017.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**